

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

PETE V. DOMENICI UNITED STATES COURTHOUSE
333 LOMAS BLVD., N.W., SUITE 660
ALBUQUERQUE, NEW MEXICO 87102
TELEPHONE: (505) 348-2280
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JAMES O. BROWNING
District Judge

June 22, 2018

VIA CM/ECF

Eric D. Norvell
Eric D. Norvell, Attorney, P.A.
2292 Faraday Ave., Suite 70
Carlsbad, CA 92008

Alfred A. Park
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Park & Associates, LLC
3840 Masthead St., N.E.
Albuquerque, NM 87109

Re: Rivero v. Board of Regents of the University of New Mexico, No. CIV 16-0318
JB/SCY

Counsel:

I want to bring one matter to your attention. I have, with my law clerks, reviewed the Judicial Code of Conduct and do not believe this matter requires me to recuse myself. I want everyone, however, to be fully informed about and comfortable with my participation in the case.

Last fall, and in several prior years, I have co-taught a 2-unit course on religious liberty at the University of New Mexico School of Law. I think this is the fifth time I have taught the class. I have waived pay on three occasions. I am uncertain how the University of New Mexico School of Law has treated that waiver, but it may have considered it a donation to the school or the UNM Foundation. The last two times I taught the class, I have asked the University of New Mexico School of Law to use the money to pay a law student to help me with a law review article that I am writing, and it has complied with that request. In light of my role in teaching this class at the University of New Mexico School of Law, I believe I can remain fair and impartial to all parties in this case.

Counsel of Record

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I have also known different University of New Mexico Regents over the years. As to people who have served as Regents since this case was filed on November 1, 2017, to the present, I know Robert M. Doughty III, President. He is a lawyer, and a few years ago (before this case was filed), he and his wife attended a dinner party at our home. I have not been in his home, and I do not otherwise socialize with him. It has been a while since I saw him. I do not have a substantially different relationship with him than I do with other members of the bar. I think I can remain fair and impartial to all parties.

Garrett Adcock is a student at the University of New Mexico School of Law. He previously externed for me. I have not seen him recently. He invited me by mail to his graduation, which I attended, but I was planning to go anyway. I do not believe I saw him or got to speak with him. Again, I believe that I can be fair and impartial to all parties.

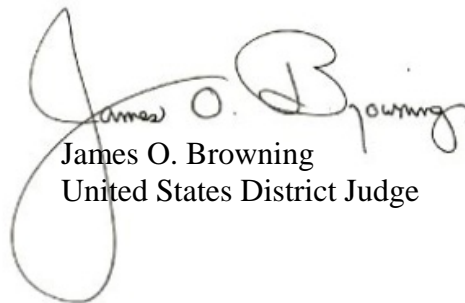
I might have met Michael Brasher at a lunch before I became judge; I became a judge in 2003. I do not otherwise socialize with Mr. Brasher. Again, I believe that I can be fair and impartial to all parties.

If regents before November 1, 2017, are relevant to this issue, I would be glad to make disclosures regarding them. I believe, however, that I can remain fair and impartial to all parties.

I believe that I can be fair and impartial. I see no reason to recuse myself. If, however, anyone has any questions or concerns, call my Courtroom Deputy Clerk, Carol Bevel (505-348-2289) and we can have a telephonic hearing. I have instructed Ms. Bevel not to tell me who calls.

Best Regards.

Sincerely,



James O. Browning
United States District Judge